



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Trevor James Hall and William Alden Crossland

Application No.: 10/511,613

Group: 2619

371(c) File Date: June 7, 2005

Examiner: D. K. Goel

Confirmation No.: 4048

For: PACKET SWITCHING

CERTIFICATE OF MAILING OR TRANSMISSION	
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REPLY TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated August 21, 2008, the claims of Group II (Claims 17, 18 and 19-29) drawn to a line card interface device are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

The requirement is traversed for at least the following reasons and reconsideration is requested.

The Office Action has stated that the claims as presented are related as combination and sub-combination inventions. As set forth in the MPEP §806.05(c), restriction is proper if the details of the sub-combination, as separately claimed, are distinct from that of the combination. According to the MPEP §802.01, related inventions are distinct if the inventions as claimed are

not connected in at least one design, operation, or effect (e.g., can be made by, or used in, a materially different process).

The Examiner has merely stated that the groups of claims are related as combination and sub-combination, without pointing out a specific basis for the conclusion that they are related as such.

Claims 1 and 4 (designated by the Office Action as part of Group I) recite "links" that provide "speed-up" of data transfer. Claim 19 (designated by the Office Action as part of Group II) recites "optical paths" that provide for "speed-up." Thus, at least claims 1, 4 and 19 are related.


Furthermore, the Office Action states at the bottom of page 3 that "Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application such claim may be subject to provisional statutory and/or non-statutory double patenting rejections over the claims of the instant application." The fact that this suggestion has been made implies that the claims are not distinct, but are instead related. Thus, for the reasons mentioned above, it is respectfully requested that the restriction requirement be removed.

An extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


Timothy J. Meagher

Registration No. 39,302

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

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